

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF OKLAHOMA**

1. Don McCutchen, a citizen and resident of Oklahoma, and;
2. Wanda McCutchen, a citizen and resident of Oklahoma,

Plaintiffs,

v.

1. Tango Summit, LP, a Texas limited liability corp.,

Defendant.

Case No. 6:21-cv-296-RAW

AMENDED SCHEDULING ORDER

Before the court is the parties' Joint Motion to Amend Scheduling Order [Dkt. No. 34] requesting a 60-day extension to allow for completion of discovery considering trial and conflicting commitments. The court has considered the factors in *Magraff v. Lowes HIW, Inc.* 217 Fed.Apps. 759 (10th Cir. 2007) as to whether the extension is justified. The motion is GRANTED and the court sets the following amended deadlines:

A. PRETRIAL SCHEDULES:

1. N/A JOINDER OF ADDITIONAL PARTIES AND/OR AMENDMENT TO PLEADINGS.
2. N/A EXCHANGE AND FILE WITNESS AND EXHIBIT LISTS.
3. 11/21/2022 DISCOVERY CUTOFF (except Expert depositions).
4. 11/14/2022 ALL DISPOSITIVE MOTIONS.
5. 12/5/2022 MOTIONS IN LIMINE AND DAUBERT ISSUES FILED.
6. 12/8/2022 EXCHANGE OF PRE-MARKED EXHIBITS.
7. 12/8/2022 EXCHANGE OF DEMONSTRATIVE EXHIBITS/AIDS.
8. 12/1/2022 PARTIES TO EXCHANGE REQUESTED JURY INSTRUCTIONS.
9. 12/1/2022 DEPOSITION DESIGNATIONS, COUNTER-DESIGNATIONS AND OBJECTIONS THERETO. All (See Local Civil Rule 30.1 (c), available on the Court's website in the Rules section at <http://www.oked.uscourts.gov>)
10. 12/15/2022 **PRETRIAL CONFERENCE AT 11:00 a.m.** *(The attorneys who will conduct the trial are required to attend the conference, unless a substitute attorney is authorized by the Court.)*

11. 12/8/2022 AGREED PRETRIAL ORDER DUE. (Judge White's form is available on the Court's website in the forms section at <http://www.oked.uscourts.gov>).
12. 12/8/2022 AGREED JURY INSTRUCTIONS, Disputed Jury Instructions issues to be addressed in Trial Briefs. Proposed FF/CL [Non-Jury], and Trial Briefs due.

B. SETTLEMENT: In all cases scheduled for Jury or Non-Jury Trial a mandatory Settlement Conference will be conducted prior to the Pretrial Conference by a District Judge, Magistrate Judge or Adjunct Settlement Judge.

The Settlement Conference scheduled for October 13, 2022 before Magistrate Judge Kimberly E. West remains as scheduled. If the parties wish to change the setting, they should file a motion for consideration by the Magistrate Judge.

C. TRIAL:

13. 1/3/2023 TRIAL DATE: [X] JURY at 9:00 a.m. [] NON-JURY at 9:00 a.m.
14. 2-3 days ESTIMATED TRIAL TIME.

D. EXPERT REPORTS: *See Rules 16 and 26 Federal Rules of Civil Procedure*

Plaintiff Expert Report(s) to be filed 90 days before trial

Defendant Expert Report(s) to be filed 60 days before trial

Any rebuttal Expert Report(s) to be filed 45 days before trial

IT IS ORDERED that no date set by this Order can be changed except for good cause and upon written Order of this Court prior to the date scheduled.

IT IS ORDERED that the parties comply with the disclosure requirement and attend deadlines established by Federal Rule Civil Procedure 26, unless otherwise modified by this order.

This Order is entered this 31st day of August, 2022.



RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA